

Hon. Jamal Whitehead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT BENSHOOF,
Plaintiff,

No.: 2:24-cv-00382-JNW

v.

JUDICIAL NOTICE

DAVID S. KEENAN
Defendants.

Plaintiff, Kurt Benshoof is hereby notifying the Court and the parties to this action, that Plaintiff is scheduled to be released from the unlawful detention and incarceration on Wednesday November 27, 2024.

RESPECTFULLY SUBMITTED,



Kurt Benshoof, Plaintiff *pro se*
1716 N 128th Street
Seattle, WA 98133
King County Correctional Facility – Seattle¹
B/A 2024-008067, UCN# 10518097
500 Fifth Ave., Seattle, WA 98104
Email: kurtbenshoof1@gmail.com
[no access to internet/email]

The foregoing statements of fact were typed up by the undersigned, upon Mr. Kurt Benshoof's request and to the best of the undersigned's understanding.²

Signature:  _____
/URVE MAGGITT / urve.maggitti@gmail.com

Date: November 26, 2024

¹ Subject to change without notice, mail delivery [send/receive] not guaranteed.

² See *Faretta v. California* and Section 35 of the **Judiciary Act of 1789, 1 Stat. 73, 92**

AFFIDAVIT

Petitioner KURT ALDEN BENSHOOF, has declared his intent that URVE MAGGITTI shall have the general authority to file Petitions for Writs of Habeas Corpus, Amicus Briefs, and Next Friend Petitions on his behalf into all of his legal actions³; therefore, KURT ALDEN BENSHOOF has designate URVE MAGGITTI as a "next friend" of his, and as one of his "assistance of counsel".

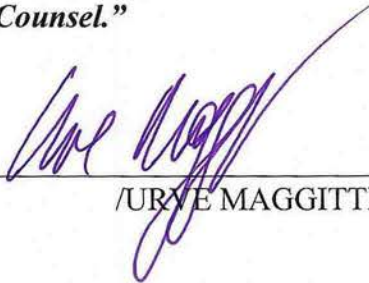
In 1975 in *Faretta v. California*, United States Supreme Court acknowledges an established historical fact: "*Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92, enacted by the First Congress and signed by President Washington one day before the Sixth Amendment *813 was proposed, provided that 'in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of such counsel . . .'*" The right is currently codified in 28 U.S.C. s 1654."⁴

The Court quoted from Section 35 of the **Judiciary Act of 1789, 1 Stat. 73, 92** which states as follows:

"SEC. 35. And be it further enacted, **That in all courts** of the United States, the **parties may plead and manage their own causes personally or by assistance of such counsel or attorneys at law**"⁵

Judiciary Act of 1789 was passed before ratification of the Sixth Amendment in the Bill of Rights in 1791. The drafters of the Sixth Amendment had deliberately removed the word *attorneys at law* from the Sixth Amendment, and substantially amended the language to read: "**right to have the Assistance of Counsel.**"

Signature: _____



Date: _____

November 26, 2024

/URVE MAGGITTI / urve.maggitti@gmail.com

³ Next friend standing allows a third party to petition for habeas corpus on behalf of the real party in interest: the detainee. *Whitmore v. Arkansas*, 495 U.S. 149, 162 (1990) ("Most frequently, next friends appear in court on behalf of detained prisoners who are unable, usually because of mental incompetence or inaccessibility, to seek relief themselves."). Scott Harman-Heath, Unnamed & Uncharged: Next Friend Standing and the Anonymous Detainee, 11 Harv. Nat'l Sec. J. 420, 454 (2020)

⁴ *Faretta v. California*, 422 U.S. 806, 812-13, 95 S. Ct. 2525, 2530, 45 L. Ed. 2d 562 (1975)

⁵ "The Judiciary Act; September 24, 1789, 1 Stat. 73. An Act to Establish the Judicial Courts of the United States."

"APPROVED, September 24, 1789." https://avalon.law.yale.edu/18th_century/judiciary_act.asp

**ACKNOWLEDGMENT
AFFIDAVIT
(Verification)**

STATE OF PENNSYLVANIA)
COUNTY OF CHESTER)

I, Urve Maggitti, the undersigned Affiant hereto, do hereby declare under penalties of perjury under the laws of the Commonwealth of Pennsylvania and the United States of America, that the foregoing accounting of facts are true and correct to the best of my current knowledge and belief.

I am over the age of 18 years of age, am a resident of the Commonwealth of Pennsylvania, have personal knowledge of the matters of this affidavit, and am capable of making such affidavit.

Pursuant to 28 U.S. Code § 1746 (1) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 12 /2024.

Signed: _____

Urve Maggitti

Notary as JURAT CERTIFICATE

State of Pennsylvania Philadelphia

BEFORE ME personally appeared Urve Maggitti who, being by me first duly sworn, executed the foregoing in my presence and stated to me that the facts alleged therein are true and correct according to her own personal knowledge.

Notary Public,

My commission expires:

08/20/28

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CERTIFICATE OF SERVICE

Plaintiff hereby certifies that the foregoing motion will be sent to all counsel of record by email to the addresses listed below.

ANN SUMMERS, WSBA #21509
KING COUNTY PROSECUTING ATTORNEY'S OFFICE
701 FIFTH AVE
STE 600
SEATTLE, WA 98104
Phone: (206) 477-1120
Fax: (206)296-0191
Email: ann.summers@kingcounty.gov

Howard Brown, "next friend" and "assistance of counsel" to Mr. Kurt Benshoof under as per Judiciary Act of 1789, 1 Stat. 73, 92
1003 W. Michigan St. Hammond, LA 70401

Kurt Benshoof, Plaintiff *pro se*
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urve.maggitti@gmail.com

⁶ *Faretta v. California*, 422 U.S. 806, 812–13, 95 S. Ct. 2525, 2530, 45 L. Ed. 2d 562 (1975)
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